

REMARKS

Claims 1-6, 8-11, 13-16, 18, 9, 21 and 22 are pending in the application. Claims 21 and 22 are withdrawn from consideration. Claims 1-6, 8-11, 13-16, 18 and 19 are rejected. Applicants request reconsideration of the rejections as noted in the following remarks.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 16 and 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Publication No. 2002/0137288 A1 to Nomoto et al. in view of U.S. Publication US 2003/0157765 to Allman et al.

Regarding claim 1 and 13, the Examiner asserts that Nomoto et al. discloses all the features of the claimed invention but does not disclose erasing the electric charge storage film by subjecting the charge storage to hydrogen plasma treatment.

The Examiner concludes that it would have been obvious to modify the above discussed teaching of Nomoto et al. as taught by Allman et al. for a purpose of improving the electric field of the charge storage film.

The Examiner further notes that regarding claims 16 and 19, Nomoto et al. discloses the annealing is carried out at 400 °C or above (see paragraph 0128).

Applicants note that Allman et al. is properly removed from consideration if Applicants are able to depend on their priority document JP 2002-355933, filed on December 6, 2002, predating the March 6, 2003 filing date of Allman et al. Applicants submit herewith a verified English translation of the priority document. Thereafter, Applicants submit that the cited reference is no longer available for use in a rejection.

Claims 2-6, 8-11, 14-15 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nomoto et al. and Allman et al. in view of U.S. Patent No. 6,794,694 to Diodato et al.

Regarding claims 2, and 14, the Examiner admits that Nomoto et al. does not disclose the plasma treatment is carried out over duration of time of 40 seconds to 90 seconds. The Examiner asserts that Diodato et al. discloses the plasma treatment is carries out over 40 seconds to 90 seconds [col. 5, lines 61-65]. The Examiner concludes that it would have been obvious to modify the above discussed teaching of Nomoto et al. as taught by Diodato et al. for a purpose of improving a process of fabricating a semiconductor memory device.

Regarding claims 3, 4, 8, 9, 15 and 18, the Examiner concludes that would have been obvious to modify the above discussed teaching of Nomoto et al. as taught by Diodato et al. for a purpose of improving a process of fabricating a semiconductor memory device.

Regarding claims 4 and 9, the Examiner concludes that it would have been obvious to modify the above discussed teaching of Nomoto et al. as taught by Diodato et al. for a purpose of improving a process of fabricating a semiconductor memory device.

Regarding claims 5-6, 10-11, the Examiner concludes that it would have been obvious to modify the above discussed teaching of Nomoto et al. as taught by Diodato et al. for a purpose of improving a process of fabrication a semiconductor memory device.

As noted above, Applicants submit herewith a verified English translation of their priority document JP 2002-355933. Without Allman et al., the Examiner's rejection is not completely presented.

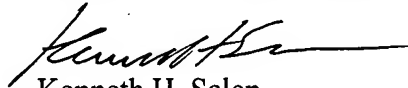
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Verified English Translation of Japanese Patent Application No. 2002-355933